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## WEARE BOARD OF SELECTMEN MEETING MINUTES November 15, 2010

**PRESENT:** TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; DONNA OSBORNE, SELECTMAN; JAMES DONISON, SELECTMAN; KEITH R. LACASSE, SELECTMAN

**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** Alex Lescatse, Terry Knowles, Rad Betts, Sherry Burdick, Ruth Jones, Greg Begin, Jim Carney, Priscilla Jones, Frank Jones, Joe Kelley, Chantal Kelley, Jan Snyder, Heleen Kurk, Will Ottery

**7:00 p.m. Chairman Clow called the meeting to order.**

**MILDRED HALL ADVISORY COMMITTEE – Continuation of discussion of proposal** – Ms. Sherry Burdick told the Board that they are back to ask the Board to put aside money to be available for years to come. There is currently \$800,000 and they would like to see \$600,000 put aside and only use the interest; the \$200,000 would be used for projects. Chairman Clow said that he had previously asked for the vote to be delayed until they had all Board members present. Chairman Clow said that they would have to go to probate court even if the Selectmen backed it because it changes what is stated in the will.

Ms. Terry Knowles, member of the Committee, told the Board that this request would have to go through the Attorney General's Office and specifically her office and she takes no position. Mildred Hall did not say that her money had to be put away for perpetuity. The court would have to agree to set aside \$600,000 that could never be spent, the interest could go towards projects, but the \$600,000 would never be spent and would be held by the Trustees of the Trust Funds.

Selectman Lacasse said that as it sits now, the money is in a fund earning interest, if it gets invested the Trustees of the Trust Funds determine where it goes. Ms. Burdick said if they use it up over the next few years then it will be gone, but if they put it aside and just utilize the interest it will last forever. Ms. Ruth Jones said if the money is set aside permanently the interest can be used for different projects.

Chairman Clow said when this came before them he had expressed reservations because the committee that is set up as a guardian of these funds have been prudent in choosing the projects, giving back to the community in perpetuity, and with that guardianship in place there is no other group that can spend that fund. Ms. Burdick said that is why they are bringing this up, they will not be the Board forever, and they want to make sure the funds are safeguarded. Chairman Clow said that he sees that they are setting up something lasting by purchases that were already made and the conservation areas that will benefit the citizens of town for the future with Mildred Hall's name attached. If the majority of the money is set aside they can't look at larger projects that the committee and the town might want to invest in because the funds will not be available. Vice Chairman Butt said that the money was given to the town to be used to benefit the town; he thinks to be spent, not to be kept in perpetuity to the Eastman's. The will even states a suitable memorable shall be created when the bequest was given to the town. He thinks it would be more suitable than a line in the town report, to create a monument to the Eastman's as a suitable memorial. He does not believe in setting aside the money and also is concerned with something coming up in the future that would require a large amount of funds and then they may not have the money available. Vice Chairman Butt does not see the need to go to the court system so they can tell them what

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to do with the money. He said that they could put an article on the warrant stating that they will agree to hold a public hearing to tell the public what that money is being spent on. Ms. Knowles said that there is a difference between a public hearing and a public meeting. The public is not allowed to speak at a public meeting, but the Board has the ability to hold a public hearing for the purpose of making the public aware that the Board was going to make a decision based on the recommendation from the Advisory Committee and discuss a specific expenditure. Ms. Knowles said that any time the Board thinks a public hearing is necessary, they are required to put a notice in the paper at an expensive, but there is nothing to prevent them from doing that to make the public aware that they will be discussing something important.

Selectman Osborne feels strongly that they should not change the written wishes of Mildred Hall. Selectman Donison said he likes the flexibility to be able to use the money in the best interest of the town and having restrictions on the money would not be right. Selectman Lacasse said that he does not think they are going against any wishes of the will, the only down side is that they would be limited to what can be spent, but doesn't see why they should not allow it to happen.

**Vice Chairman Butt moved, Selectman Lacasse seconded that they apply to the probate court to change the will to allow \$600,000 to be set aside as principal never to be used. Failed 1-4-0; Selectman Lacasse was in favor.**

**Chairman Clow moved, Selectman Donison seconded to enter into non public session @ 7:32 p.m. pursuant to the authority granted in RSA 91-A:3II (b). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0**

**Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 7:50 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0**

**Chairman Clow moved, Selectman Donison seconded to enter into non public session @ 7:51 p.m. pursuant to the authority granted in RSA 91-A:3II (b). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0**

**Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 8:10 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0**

**Chairman Clow moved, Selectman Donison seconded to enter into non public session @ 8:11 p.m. pursuant to the authority granted in RSA 91-A:3II (b). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0**

**Chairman Clow moved, Selectman Lacasse seconded to come out of non public session @ 8:40 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0**

Chairman Clow said that while in non public session there were three candidates for consideration.

**Chairman Clow moved, Selectman Lacasse seconded to appoint Deborah Urella as the Overseer of Welfare with a stipend of \$145 per week. Passed 5-0-0**

**Chairman Clow moved, Selectman Lacasse seconded to appoint Kelly Dearborn-Luce as Health Officer at rate of \$300 per month. Passed 5-0-0**

Chief Begin introduced Frank Jones and said that he is a resident of Bow and has been in law enforcement for twenty-six years of law enforcement. Chief Begin recommends hiring Frank Jones to fill the part time position.

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**Chairman Clow moved, Selectman Donison seconded to appoint Frank Jones as a part time officer for the Town of Weare at a rate of \$16.71 per hour. Passed 5-0-0**

**Chairman Clow swore in Frank Jones as a part time police officer for the Town of Weare.**

**PROGRESS ON 250<sup>th</sup> COMMITTEE** – Mrs. Heleen Kurk, representing the 250<sup>th</sup> committee, said that they are affiliated with the Historical Society (501c3) and are planning a celebration for the 250<sup>th</sup> anniversary of Weare in 2014. The committee members are Steve Flanders, Evelyn Connor, Terry Wahnowsky, Jan Snyder, Sherry Burdick, Will Ottery, Jill Flanders, Heather Aleksonis, Donna Osborne, and Heleen Kurk. All contributions are tax deductible. Mrs. Kurk said that the Chamber of Commerce helped them with start up money, Pat Bevans helped them with the website, Kathy Remillard has helped with advertising, and Tippy Johnston is helping with fundraising.

Mrs. Kurk said that it is hard to plan such a big celebration without money, they are selling shirts at as many town functions as possible in order to make some money and get input from the public.

The committee has made a great effort to start beautifying the town, with Sherry Burdick leading the beautification, and help from the Highway Department along with donations from Woodbury's Garden Center and Brownies Sand and Gravel. They have planted approximately 4,000 daffodils and wildflowers at various locations throughout the town with help from many individuals. Small signs will be placed at many of the locations indicating that it is part of the beautification project for 2014. The Economic Development Committee is covering the cost of the signs.

Mrs. Kurk told the Board that \$7,000 was put aside in 1985 for the town's 300<sup>th</sup> anniversary. She is asking, on behalf of the 250<sup>th</sup> Anniversary Committee, if the Selectman will put a warrant article in this years warrant to use the \$7,000 that was put aside for the 300<sup>th</sup> anniversary, and they will explain that they will put the \$7,000 back in 2014 to continue on to the 300<sup>th</sup> anniversary. This will require a 2/3 vote. Vice Chairman Butt said that the other option would be to create a new fund for the 250<sup>th</sup> and then fund it. The reality is that the people who are around and active will not be around for the 300<sup>th</sup>. They hope to have this great celebration to bring the town together, with the intent to put money aside for the 300<sup>th</sup> celebration. The committee is anticipating needed \$65,000.

The committee has many ideas for the celebration such as a winter carnival, oxen pulls, ice sculptures, ball/dance, and bands and hope to narrow them down in the next six months.

Sherry Burdick informed the Board that they have a large donation and money from the Historical Society to go forward with an assessment on Clinton Grove Academy. They cannot move forward in applying for grants without the funding. They need to have the structural assessment and use assessment and hope to have Clinton Grove Academy open to be used by the community.

Chairman Clow said that he thinks the Board is supportive.

**SEWER STATION REPAIRS** – Mr. Knapp said that the force main has sprung a leak and will be fixed tomorrow. He has been watching it very closely and it is not pumping all the liquid out. Mr. Knapp said the estimate before them would be for a permanent fix. There is a quarter mile of six inch pipe, it won't hold and has been there for thirty years. Mr. Knapp said that the pumps are running a lot more now that the school is also on them. Vice Chairman Butt mentioned the cost being distributed to the users over time. The Town Office Building, Sugar and Spice Daycare, Stone Building, Library, the Legion, and Town Hall use the system. Mr. Knapp said that 85% of the flow is coming from the school, but the system also supports twenty residential homes in the center of town. Whatever they happen to spend out of the budget gets dispersed throughout the users and is distributed by units. Vice Chairman Butt asked if the school should bear the burden of the cost of the repair. Mr. Knapp said the school will pay their share along with all the other users. There is a Capital Reserve Fund with a fund balance of \$3,282. It will cost \$15,232 to do the repair. Vice Chairman Butt mentioned spreading the costs out over years. Mr. Knapp said they have never had a large repair like this. Vice

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Chairman Butt said if there is a large impact to the users he would be interested to see how it affects individual users so as not to burden them financially.

Vice Chairman Butt said to use the funds available in the operating budget and then utilize the Government Building and Maintenance Fund. Chairman Clow said if they pay for the repairs out of the Government Building and Maintenance Fund they can't reimburse that fund; only a warrant article could move the money around. The sewer budget is separate from the general budget and comes in as revenue in the sewer account not the general fund. Chairman Clow said if they took it out of the Government Building and Maintenance Fund they can't bill it out, but if the expense was overspent from the sewer line then they can bill it out.

Chairman Clow recommends taking the expense out of the sewer budget and have it billed to the users the following year and said that Mr. Knapp can provide the number of the users to the Board tomorrow.

**Chairman Clow moved, Vice Chairman Butt seconded to hire AAA Pump Service to do the necessary repairs on the sewer pumps with the \$13,038.92 to come from the Government Building and Maintenance Fund.**

Vice Chairman Butt said that he is concerned with the individual users and how this will affect their bills.

Selectman Lacasse said that they are asking the taxpayers to subsidize the users of the system. Vice Chairman Butt said that they need to look at the cost for all the users; there are roughly twenty housing units. Ms. Jan Snyder said the only way the sewer project was passed was because the cost was to be bore by the users. It was discussed that people on the town sewer do not have to maintain their own septic.

Selectman Donison said that they could approach this as a municipal fund. He would prefer that the available \$3,473.01 in the equipment repair line be used towards the repairs and the balance be taken out of the Government Building and Maintenance Fund.

There is \$3,582 in the Capital Reserve Fund and Selectman Donison and Selectman Lacasse are comfortable with using that money.

Vice Chairman Butt said that the operating budget is not meant to cover these costs and taking money out of the sewer budget does not have any impact on the operating budget.

Selectman Lacasse does not think that the Government Building and Maintenance Fund should be touched.

There is \$3,582 in the Capital Reserve Fund for sewage and \$4,373 in the equipment repair line for a total of \$7,955. The remainder of approximately \$6,000 can come out of the Government Building and Maintenance Fund.

Vice Chairman Butt wants the repair expense to be reimbursable.

The Board decided to approve the expenditure with the understanding that they can amend where the money is coming from if necessary.

**Chairman Clow withdrew his motion. Vice Chairman Butt withdrew his second to the motion.**

**Chairman Clow moved, Selectman Donison seconded to approve the expenditure of \$13,038.92 for AAA Pump Service to repair the sewer pumps with the money to come out of the sewer budget and if they find that does not work they will open the discussion back up. Passed 5-0-0**

Ms. Snyder informed the Board that she did not have to do a TAN.

**Chairman Clow moved, Selectman Donison seconded to enter into non public session @ 10:05 p.m. pursuant to the authority granted in RSA 91-A:3II (b). A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0**

**Chairman Clow moved, Selectman Osborne seconded to come out of non public session @ 10:20 p.m. A roll call vote was taken, Vice Chairman Butt – yes; Selectman Osborne – yes; Selectman Donison – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0**

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**Chairman Clow moved, Selectman Donison seconded to seal and restrict the minutes of the nonpublic session. Passed 5-0-0.**

### MANIFESTS

**Chairman Clow moved, Selectman Lacasse seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated November 18, 2010. Passed 4-0-1; Selectman Donison abstained.**

Accounts payable	<b>\$280,731.13</b>	(John Stark \$250,000)
Gross Payrolls	<b><u>\$39,178.57</u></b>	(Includes Taxes, Credit Union, Police Detail)
Total	<b>\$319,909.70</b>	

### MEETING MINUTES

**Chairman Clow moved, Selectman Donison seconded to accept the minutes of November 1, 2010 as amended. Passed 4-0-1; Selectman Lacasse abstained.**

**Chairman Clow moved, Selectman Lacasse seconded to accept the minutes of November 8, 2010 as printed. Passed 4-0-1; Selectman Osborne abstained.**

**ADMINISTRATIVE REPORT** – Naomi Bolton, Town Administrator informed the Board that she has received the 2011 Avitar contract. In the past they asked about a bond for an additional \$2,500 bringing the total to \$87,500 verse \$85,000 like in the past. Vice Chairman Butt said that he was told by Avitar that they were charging the town a flat fee and would no longer be doing that, because it would save the town money to pay for the service provided and not the flat fee. Vice Chairman Butt said that \$85,000 was budgeted for and paid monthly, with \$21,175 remaining to pay. Naomi Bolton, Town Administrator, said it was her understanding that this was the third year of the multi year agreement; she needs to research the original contract. Chairman Clow said when the original contract was signed, one of the selling points was it would be high for the first two years, but the final year they would not have the balloon effect like in the past because it has been built into the contract. Naomi Bolton, Town Administrator, said that forty days of being in town was mentioned, but she cannot find the forty days in the agreement. Chairman Clow said that they were told by Avitar that it would be an advantage to control the 4<sup>th</sup> year revaluation charges and spread the cost throughout the four years. The Board will plan on getting proposals for 2012 for assessing.

Naomi Bolton, Town Administrator, told the Board that she forwarded the estimate to them for Colby Road. William Wilcox submitted an estimate not to exceed \$1,000 to do research for the purpose of gathering information on the landfill on Colby Road. There is generic information from the state as to how they handle and what their thoughts are on abandoned landfills and how the site ties into the water system. Naomi Bolton, Town Administrator, suggested that the Board add a line to the Land Use budget to expend the money from.

**Selectman Lacasse moved, Selectman Donison seconded to approve William Wilcox Geologists services for a fee not to exceed \$1,000 to review available historic documents and evaluate reports with the fee to come out of the newly Land Use Contracted Services line. Passed 5-0-0**

The pre-construction meeting with the Library Trustees went well and they got to see what will actually be done.

The treatment from JP Pests for the beetles in Clinton Grove Academy is supposed to be done Wednesday. The weather may not cooperate and this may need to be rescheduled.

Notification that the Library is now on the Historic Registry has been received.

Naomi Bolton, Town Administrator, informed the Board that she received bids for the sprinkler system for the Town Office Building, which range from \$69,000 to \$165,000. She told the Board that she had requested all inclusive bids and none of the bids she received were all inclusive. Naomi Bolton, Town Administrator, said that she passed a copy of the bids to Chip Meany. Selectman Donison said he will review the bids. Selectman

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Lacasse thinks that the project is cost prohibitive. Naomi Bolton, Town Administrator, said that she can get the price lists to do everything; even if they were to get a general contractor they have to tell him what they need. It was discussed that someone will have to spend the time to do a real bid specification. Chairman Clow commented on hiring someone to come in and make up a plan with specific fire recommendations and reviewing the building and then preparing bid plans. Selectman Lacasse would not like to see them pay for engineering of the sprinkler system and then have it come out cost prohibitive. Selectman Lacasse said to let the bidders know that they appreciate their proposals, but they are not willing to expend the funds.

The Board discussed that at next weeks Manifest meeting they can devote an hour or more for budget information, to discuss the 17.9% health insurance increase from LGC.

Naomi Bolton, Town Administrator, told the Board that the Police Department would like to know what they have for negotiations for health insurance and what the town is doing for health insurance. They asked if they can spend an hour on the budget. Chairman Clow said that he prefers that they don't discuss the Police or Fire Department if he is not at the meeting.

Vice Chairman Butt told the Board that he heard that there might be another retirement and they will need to include the contractual obligations in the default budget.

Selectman Lacasse informed the Board that he has been trying to reestablish a Building Committee with different people involved in the building trade. He asked the Board who act as the chair to sign the volunteer sheet because there is no current committee. Vice Chairman Butt said that the Board would sign and appoint volunteers. Vice Chairman Butt would like to establish what the role of the Building Committee should be, if it should be a standing committee, and would like to discuss the bylaws before taking on new members. This discussion will be placed on the agenda for a future meeting. Selectman Lacasse thinks that part of the issues with the Building Committee was that they were asked to draw bid specs instead of the town hiring someone to do that. Vice Chairman Butt mentioned the Building Committee reviewing the specs. Selectman Lacasse said that they need a mechanical engineer that has good insight on what a project will cost. Vice Chairman Butt said that the Building Committee needs to address one building at a time. Selectman Lacasse disagrees.

**Chairman Clow moved, Vice Chairman Butt seconded to adjourn at 11:14 p.m. Passed 5-0-0**

## **ADJOURNMENT**

A True Record.

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Cherry Palmisano, Recording Secretary